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SEA**

SERVICE DATE – DECEMBER 5, 2005

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-33 (Sub. No. 228X)

**Union Pacific Railroad Company -- Abandonment Exemption -- in Imperial
County, California**

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for UP to abandon 9.38 miles of rail line in Imperial County, California. The rail line, known as the Holtville Industrial Lead, extends from milepost 711.90 near El Centro to milepost 703.26 at Holtville, and from milepost 702.72 to milepost 703.46 near Holtville. A map depicting the entire rail line in relationship to the area served is appended to this Environmental Assessment (EA). If this notice becomes effective, UP will be able to salvage the track, ties, and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE RAIL LINE

According to UP, the portion of the rail line extending from milepost 711.90 to milepost 703.26 was constructed in 1904 by the Holton Interurban Railway Company with mostly 90 pound rail and some sections of 80 and 112 pound rail. The remaining section of the rail line - from milepost 703.46 to milepost 702.72 - was built by Southern Pacific Railroad in 1930 and laid entirely with 90 pound rail. UP states that there is now no demand for or prospect of rail service over the rail line, and that no traffic has originated, terminated, or moved overhead on this rail line segment for at least two years.¹ Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

The rail line passes through semi-arid irrigated agricultural lands with some commercial properties located along the right-of-way at Holtville. Independent research of the project area by the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) indicates that the rail line crosses over several waterways

¹ According to UP, authorization to discontinue rail service on the rail line was obtained in 1995 in the proceeding AB-12 (Sub-No. 157X).

including the Alamo River.² According to UP, the right-of-way of the rail line is generally 100 feet wide.

UP has indicated that the rail line would not be suitable for any kind of public use such as for a road, highway, mass transportation, conservation or energy transmission. UP states that any conversion of the property for a transportation use is unnecessary as the area is adequately served by Highway 80, which parallels the rail line for most of its length. UP did not provide an opinion regarding the potential use of the rail line as a trail. UP states there is currently no title restriction that would affect transfer of the property. The rail line does not contain Federally granted right-of-way.

ENVIRONMENTAL REVIEW

UP submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UP served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS) has indicated that there are 30 geodetic station markers that may be affected by the proposed abandonment. NGS requests that UP provide it with 90 days notice in the event any of the geodetic station markers need to be relocated.

The U.S. Department of Agriculture, Natural Resources Conservation Service has not responded at the time this EA was prepared regarding whether the abandonment will have an adverse impact on farmland soils. Consequently, SEA will ensure that the agency receives a copy of this EA for its comment.

The U.S. Fish and Wildlife Service, who has jurisdiction over Section 7 of the Endangered Species Act, has indicated to UP that the proposed abandonment project is not anticipated to have significant impacts on fish and wildlife resources.

The U.S. Army Corps of Engineers (USACE) has not provided comments as to whether the proposed abandonment will require a permit under Section 404 of the Clean

² Mack H. Shumate, Jr. of UP has orally confirmed to SEA that the rail line passes over an unspecified number of waterways and includes culverts, and several bridges. This information was inadvertently omitted from the environmental and historic report for this proceeding. As such, UP will be supplementing its environmental and historic report with photos and updated information regarding these resources including their potential historicity and the nature of their disposition. UP has assured SEA that it will make the supplement available to appropriate Federal, state and local agencies for their comment. Pending completion of this additional consultation, SEA is recommending that the Board impose certain environmental conditions to preserve the status quo.

Water Act. Accordingly, SEA recommends that a condition be imposed requiring UP to consult with the USACE prior to commencement of salvage activities.

The U.S. Environmental Protection Agency (USEPA) has not provided comments at the time this EA was prepared regarding potential permitting requirements of the proposed abandonment under Section 402 of the Clean Water Act. Therefore, SEA recommends that a condition be imposed requiring UP to consult with the USEPA prior to commencement of salvage activities.

HISTORIC REVIEW

UP submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)].³ UP served the report on the California State Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has not yet submitted comments to UP in response to the historic report. Consequently, SEA is recommending a condition that UP shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470.

SEA conducted a search of the Native American Consultation Database at <http://www.cast.uark.edu/other/nps/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona may have an interest in the proposed abandonment. SEA will ensure that the tribe receives a copy of this EA for its review and that the tribe be added to the service list for this proceeding.

CONDITIONS

We recommend that the following four environmental conditions be placed on any decision granting abandonment authority:

1. The National Geodetic Survey (NGS) identified 30 geodetic station markers that may be affected by the proposed abandonment. Therefore, the Union Pacific Railroad Company shall notify NGS at least 90 days prior to conducting salvage activities in order to plan for their possible relocation by NGS.

³ The combined environmental and historic report for this proceeding can be viewed on-line by conducting a "Full Text Search" using the Docket Number for this proceeding, AB-33 (Sub. No. 228X), at <http://www.stb.dot.gov/filings/all.nsf/ByFilingDate?OpenView>.

2. The California State Historic Preservation Office or SHPO has not completed its evaluation of the potential impact of this project on historic properties. Accordingly, the Union Pacific Railroad Company shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470. The Union Pacific Railroad Company shall report back to the Section of Environmental Analysis regarding the results of any consultations with the SHPO.
3. Prior to commencement of any salvage activities, the Union Pacific Railroad Company shall consult with the United States Army Corps of Engineers (Corps) to determine whether a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) is required.
4. Prior to commencement of any salvage activities, the Union Pacific Railroad Company shall consult with the United States Environmental Protection Agency (USEPA) to ensure any concerns regarding potential contamination of the right-of-way and the need for a Section 402 stormwater permit are addressed.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the rail line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it

retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an original and two copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov by clicking on the "E-FILING" link. Please refer to **Docket No. AB-33 (Sub. No. 228X)** in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this environmental assessment, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 565-1542, fax at (202) 565-9000, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: December 5, 2005.

Comment due date: **December 20, 2005 (15 days)**.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment